

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION

IN RE:	*	Chapter 13
	*	
DAVE YOND	*	
	*	
	*	
Debtors	*	BANKRUPTCY NO. 15-31593

**MOTION TO SELL REAL PROPERTY FREE AND CLEAR OF LIENS AND  
REQUEST FOR ADDITIONAL ATTORNEY'S FEES**

TO THE HONORABLE BANKRUPTCY JUDGE:

COMES NOW, Dave Yond by and through his attorneys, EDGAR J. BORREGO/MIGUEL A. FLORES, and respectfully files this Motion to Sell Real Property Free and Clear of Liens And Request For Additional Attorney's Fees and as grounds thereof, would respectfully show the Court as follows:

I.

Debtor filed a Chapter 13 case on October 09, 2015 and was confirmed on March 11, 2016.

II.

Debtor's plan payments were confirmed at \$2,300.00 for 60 months. The plan base was \$138,000.00. A Motion to Modify was granted January 04, 2021 where the plan was extended to 84 months under the Cares Act. The plan base was modified to \$155,170.00. Said base was calculated as follows:  $(\$2,300.00 \times 3 \text{ months}) + (\$2,570.00 \times 5 \text{ months}) + (\$2,660.00 \times 41 \text{ months}) + (\$1,600.00 \times 5 \text{ months}) + (\$2,660.00 \times 6 \text{ months}) + (\$100.00 \times 24 \text{ months})$ .

III.

Debtor is selling his homestead in order to get current with the Georgia property where he currently resides. The legal description of Debtors' property to be sold is "BLK 321 TIERRA DEL ESTE #67 LOT 24". It is commonly known as 14692 Igor Kaleri, El Paso Texas 79938.

IV.

The debt on the home is owed to Wells Fargo Home Mortgage. The debt was listed as

their homestead on schedule A and federally exempted in schedule C in their petition.

V.

Debtor has a Closing Disclosure to sell the property to Debbie Orr and Anthony R. Orr. They received an offer on the property for \$194,959.00.

VI.

Debtor requests that at closing the ad valorem taxes for year 2021 pertaining to the subject property shall be prorated and shall become the responsibility of the Purchaser and the 2021 ad valorem tax lien shall be retained against the subject property until said taxes are paid in full. The appropriate language to satisfy the Tax Assessor will be memorialized in the default order. At closing, after all liens are paid in full, Lone Star Title will be directed to send all of the net proceeds to the Chapter 13 Trustee pending a separate motion to determine said funds.

VII.

REQUEST FOR ADDITIONAL ATTORNEY'S FEES

Debtor's Counsel requests an additional \$400.00 fees for the preparation and prosecution of the Motion to Sell. The additional fees should be paid under the Debtor's Chapter 13 Plan.

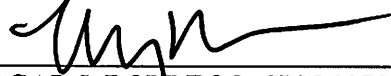
VIII.

Attached to this Motion is Exhibit A showing the form of proposed order and Exhibit B the Closing Disclosure.

WHEREFORE, PREMISES CONSIDERED, Debtor prays that after notice and hearing, they be allowed to sell the property on "BLK 321 TIERRA DEL ESTE #67 LOT 24" commonly known as 14692 Igor Kaleri, El Paso Texas 79938. Debtors pray that upon the sale any and all liens encumbering the Property shall be free and clear and paid in full at closing. Debtors pray that nothing in this Order shall be deemed to extinguish any ad valorem tax liens for the current tax year or any subsequent tax year. Debtors also pray that any proceeds be sent to: *Stuart C. Cox, Chapter 13 Trustee, P.O. Box 210, Memphis, TN 38101-0210* and the proceeds be held in trust until an order determining proceeds of said sale is granted by this Court. Debtor's Counsel request an additional \$400.00 fees for the preparation and prosecution of the Motion to Sell be under the Debtor's Chapter 13 Plan.

DATED on this the 1 day of July, 2021.

Respectfully submitted,



EDGAR J. BORREGO, SBN 00787107

MIGUEL A. FLORES, SBN 24036574

Attorney for Debtor(s)

2610 Montana Avenue

El Paso, TX 79903

(915) 566-4300

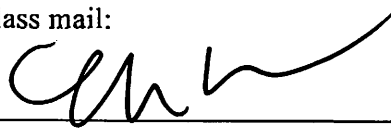
[efile@tanzyborrego.com](mailto:efile@tanzyborrego.com)

*Dave Yond*

DAVE YOND

CERTIFICATE OF SERVICE

I certify that on 8 day of July, 2021 a true and correct copy of the above and foregoing was served upon the following parties via electronic means as listed on the court's ECF noticing system or by regular first class mail:



**Edgar J. Borrego/Miguel Flores**

Attorneys for Tanzy & Borrego Law Offices P.L.L.C.

TB#34686/BG



Label Matrix for local noticing  
0542-3  
Case 15-31593-hcm  
Western District of Texas  
El Paso  
Wed Jun 30 10:09:31 CDT 2021

American Express  
P.O. Box 981535  
El Paso, TX 79998-1535

Attorney General  
10th & Constitution N.W.  
Main Justice Bldg. #5111  
Washington, DC 20530-0001

Comanche County Tax Assessor  
315 SW 5th St # 301  
Lawton, OK 73501-4373

Keisha Yond  
3818 Villa Ct.  
Augusta, GA 30907-4111

LVNV Funding, LLC its successors and assigns  
assignee of LendingClub Corporation &  
LC Trust I  
Resurgent Capital Services  
PO Box 10587  
Greenville, SC 29603-0587

Lakeview Loan Servicing, LLC  
c/o Lakia' S. McCline  
Codilis & Moody, P.C.  
400 N. Sam Houston Parkway E. 900-A  
Houston, TX 77060-3548

Navient  
P.O. Box 9500  
Wilkes Barre, PA 18773-9500

Navy Federal Credit Union  
P.O. Box 3000  
Merrifield, VA 22119-3501

Nelnet  
3015 S Parker Rd  
Ste 400  
Aurora, CO 80014-2904

U.S. BANKRUPTCY COURT  
511 E. San Antonio Ave., Rm. 444  
EL PASO, TX 79901-2417

(p)CREDITORS BANKRUPTCY SERVICE  
PO BOX 800849  
DALLAS TX 75380-0849

City of El Paso  
c/o Don Stecker  
711 Navarro Suite 300  
San Antonio, TX 78205-1749

(p)US DEPT OF HOUSING AND URBAN DEVELOPMENT R  
MARCUS R PATTON  
OFFICE OF GENERAL COUNSEL  
801 CHERRY ST UNIT 45  
FT WORTH TX 76102-6882

Keisha Yond  
c/o Attorney General/State of Texas  
Child Support Division  
6090 Surety Dr., Ste. 250  
El Paso, TX 79905-2062

LVNV Funding, LLC its successors and assigns  
PO Box 10587  
Greenville, SC 29603-0587

Lando Resort Corporation  
3015 N. Ocean Blvd. #121  
Fort Lauderdale, FL 33308-7344

(p)ASCENDIUM EDUCATION SOLUTIONS INC  
PO BOX 8961  
MADISON WI 53708-8961

Navy Federal Credit Union  
P.O. Box 3302  
Merrifield, VA 22119-3302

Nelnet on behalf of College Assist  
College Assist c/o Educational Credit Ma  
PO Box 16358  
St. Paul, MN 55116-0358

AMERICAN EXPRESS BANK, FSB  
C/O BECKET AND LEE LLP  
POB 3001  
MALVERN, PA 19355-0701

Army & Air Force Exchange Services  
c/o Bass & Associates, P.C.  
3936 E. Ft. Lowell Suite 200  
Tucson, AZ 85712-1083

Columbia County Tax Assessor  
P.O. Box 498  
Evans, GA 30809-0498

Internal Revenue Service  
Special Procedures Staff - Insolvency  
P.O. Box 7346  
Philadelphia, PA 19101-7346

Keisha Yond  
c/o SDU (Child Disbursement Unit)  
P.O. Box 659791  
San Antonio, TX 78265-9791

Lakeview Loan Servicing, LLC  
LoanCare, LLC  
ATTN: BANKRUPTCY DEPARTMENT  
3637 Sentara Way  
Virginia Beach, VA 23452-4262

Lending Club  
21 Stevenson  
Suite 300  
San Francisco, CA 94105-2706

Navy Federal Credit Union  
Bankruptcy Department  
820 Follin Lane  
Vienna, VA 22180-4907

Navy Federal Credit Union  
c/o McCalla Raymer, LLC  
Bankruptcy Department  
1544 Old Alabama Road  
Roswell, GA 30076-2102

PHH Mortgage  
P.O. Box 5452  
Mount Laurel, NJ 08054-5452

PHH Mortgage Corporation  
ATTN: BANKRUPTCY DEPARTMENT  
One Mortgage Way; Mailstop: SV01  
Mt. Laurel, NJ 08054-4624

PHH Mortgage Corporation  
CODILIS & STAWIARSKI P.C.  
650 N. Sam Houston Parkway, Suite 450  
Houston, TX 77060-5908

PHH Mortgage Corporation  
c/o Lakia' S. McCline  
Codilis & Moody, P.C.  
400 N. Sam Houston Parkway E. 900-A  
Houston, TX 77060-3548

Tanzy & Borrego Law Offices, P.L.L.C.  
2610 Montana Ave.  
El Paso, TX 79903-3712

Tax Assessor/Collector  
P.O. Box 2992  
El Paso, TX 79999-2992

U.S. Attorney/FHA/HUD/IRS/VA  
601 N.W. Loop 410  
Suite 600  
San Antonio, TX 78216-5512

USAA  
9800 Fredericksburg Rd.  
San Antonio, TX 78288-0002

United States Trustee - EP12  
U.S. Trustee's Office  
615 E. Houston, Suite 533  
P.O. Box 1539  
San Antonio, TX 78295-1539

(p)ASCENDIUM EDUCATION SOLUTIONS INC  
2501 INTERNATIONAL LANE  
MADISON WI 53704-3180

Verizon Wireless  
P.O. Box 26055  
Minneapolis, MN 55426-0055

Veterans Administration  
Attn: Support Services Division (243)  
701 Clay Avenue  
Waco, TX 76799-0001

WELLS FARGO HOME MORTGAGE  
P.O. BOX 10335  
Des Moines, IA 50306-0335

Wells Fargo Bank, N.A.  
Attention: Bankruptcy Department  
MAC# D3347-014  
3476 Stateview Blvd  
Fort Mill SC 29715-7203

Wells Fargo Bank, N.A.  
c/o Abbey U Dreher  
4004 Belt Line Rd Ste. 100  
Addison, TX 75001-4320

Wells Fargo Bank, N.A.  
c/o BDFTE  
4004 Belt Line Rd, Ste 100  
Addison, TX 75001-4320

Wilmington Savings Fund Society, FSB, As Tru  
1600 South Douglass Road  
Anaheim, CA 92806-5948

Dave Yond  
P.O. Box 963507  
El Paso, TX 79996-3507

Edgar J. Borrego  
Tanzy & Borrego Law Offices, P.L.L.C.  
2610 Montana Avenue  
El Paso, TX 79903-3712

Marissa Amanda Hackert  
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2610 Montana Avenue  
El Paso, TX 79903-3712

Miguel Flores2  
Tanzy & Borrego Law Offices  
2610 Montana Avenue  
El Paso, TX 79903-3712

Miguel Alejandro Flores  
Tanzy & Borrego Law Offices  
2610 Montana  
El Paso, TX 79903-3712

Stuart C. Cox  
El Paso Chapter 13 Trustee  
1760 N. Lee Trevino Dr.  
El Paso, TX 79936-4565

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified  
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Army & Air Force Exchange  
P.O. Box 650410  
Dallas, TX 75265-0410

FHA/HUD  
451 7th Street S.W.  
Washington, DC 20410

(d)Military Star  
3911 S Walton Walker Blvd  
Dallas, TX 75236

Navient Solutions, Inc. on behalf of USAF  
Attn: Bankruptcy Litigation Unit E3149  
P.O. Box 9430  
Wilkes-Barre, PA 18773-9430

United Student Aid Funds, Inc (USAF)  
PO Box 8961  
Madison WI 53708-8961

End of Label Matrix	
Mailable recipients	51
Bypassed recipients	0
Total	51